



**UNITED STATES HOUSE OF REPRESENTATIVES
OFFICE OF THE MAJORITY WHIP
THE HONORABLE JAMES E. CLYBURN (SC-06)**

THE WHIP PACK

WEEK OF JUNE 23, 2008

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Bill Text and Background for the Week of June 23, 2008

- H.R. 5876 - Stop Child Abuse in Residential Programs for Teens Act of 2008
- HR 6275 – Alternative Minimum Tax Relief Act of 2008
- H.R. 3195 - ADA Restoration Act
- H.R. 4115 - To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians
- H.R.2176 - To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community
- H.R.6052 – The Saving Energy Through Public Transportation Act of 2008

H.R. 5876 - STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

(Rep. George Miller - Education and Labor) (Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: [H.Res. 1276: Rule and Committee Report](#), [Special Announcement](#), [Meeting Time: 5pm Tuesday 6/17](#), [Amendment Deadline: 4pm Monday 6/16](#), [Text of Bill as Reported](#), [Education & Labor Committee Report: 110-669](#)

Committee: [Committee on Education and Labor](#)

Committee Staff Contact: 5-3725

LEGISLATION AT A GLANCE:

KEEPING KIDS SAFE

THE STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

An estimated 20,000 to 30,000 U.S. teenagers attend private residential programs – including therapeutic boarding schools, wilderness camps, boot camps, and behavior modification facilities – that are intended to help them with behavioral, emotional, or mental health problems. Depending on the state where they are located, some of these programs are regulated; some are not. As a result of this loose patchwork of regulations, reports of child abuse at the programs have frequently gone unchecked. The Government Accountability Office found thousands of allegations of child abuse and neglect at private residential programs for teens between 1994 and 2007. Tragically, in a number of cases, this abuse and neglect led to the death of a child.

To address this urgent problem, the “Stop Child Abuse in Residential Programs for Teens Act of 2008” (H.R. 5876) would:

Keep teens safe with new national standards for private residential programs

Specifically, the legislation would:

- Prohibit programs from physically or mentally abusing children in their care;
- Prohibit programs from denying children essential water, food, clothing, shelter, or medical care – whether as a form of punishment or for any other reason;
- Require that programs only physically restrain children if it is necessary for their safety or the safety of others, and to do so in a way that is consistent with existing federal law on the use of restraints;
- Require programs to provide children with reasonable access to a telephone and inform children of their right to use the phone;
- Require programs to train staff in understanding what constitutes child abuse and neglect and how to report it; and
- Require programs to have plans in place to provide emergency medical care.

Prevent deceptive marketing by residential programs for teens

Specifically, the legislation would:

- Require programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members;
- Require programs to notify parents of substantiated reports of child abuse or violations of health and safety laws; and
- Require programs to include a link or web address for the website of the U.S. Department of Health and Human Services, which will carry information on all private residential programs.

Hold teen residential programs accountable for violating the law

Specifically, the legislation would:

- Require the U.S. Department of Health and Human Services to conduct unannounced site inspections of every private teen residential program in the country at least once every two years;
- Give HHS the authority to assess civil penalties of up to \$50,000 against programs for every violation of the law; and
- Give parents the right to sue in federal court program operators that violate national standards.

Ask states to step in to protect teens in residential programs

Three years after enactment, the legislation would provide certain federal grant money to states only if they develop their own standards (that are at least as strong as national standards) for public and private residential programs for teens and inspect the programs at least once every two years. The national standards would remain in place and parents would retain their ability to sue in federal court. The Department of Health and Human Services would continue to inspect programs, but would not have to conduct inspections of every program every two years in states that have adopted and are effectively enforcing their own standards. In addition, the legislation would require HHS to investigate any death or pattern of violations at a program.

SUMMARY OF AMENDMENTS MADE IN ORDER

(summaries derived from information provided by sponsors)

*select the name of the amendment sponsor to retrieve amendment text in .pdf format.

Sponsor	Description	Debate Time
1. Miller, George (CA)/McKeon (CA):	<p>Makes three changes to the definition of “covered program.” It expands the definition to include public residential programs, and it strikes the exclusion of psychiatric residential treatment facilities and the exclusion of foster care group homes. The amendment strikes the requirement for the Secretary of HHS to make unannounced site inspections of covered programs at least once every two years, and it strikes Section 5. The amendment requires the Secretary to report to Congress on the activities of the national toll-free hotline, directs the Secretary to conduct a study on the outcomes of residential programs, and amends one of the standards to require a timeline about notifying parents.</p>	(20 minutes)
2. Shea-Porter (NH):	<p>Requires that programs have policies in place for ensuring that any changes to a child’s medication are made in consultation with a qualified medical professional and a parent or legal guardian of the child.</p>	(10 minutes)

House Report 110-669:
[HTML Version](#), [PDF Version](#)

Full Committee on Education and Labor Mark-up:

[Markup of H.R.5876](#): "Stop Child Abuse in Residential Programs for Teens Act of 2008", May 14, 2008

- Opening Statement: [Chairman Miller](#)
- [National Journal Report](#): House Education Clears Bill To Regulate Juvenile Boot Camps

Summary of Committee Votes:

- [Rep. R. Bishop, R-Utah Personal Information Amendment to the Substitute Amendment](#) — Bars the government from disclosing the personal information of abuse victims in reports on residential treatment programs for teens. **Adopted by Voice Vote.**
- [Rep. McKeon, R-Calif. Substitute Amendment to the Substitute Amendment](#) — Would have required that states' regulatory and monitoring systems for teen residential programs be in place within 18 months. The states would bear the responsibility for regulation, instead of the federal government. The amendment also would have required that all programs, including publicly run programs, be subject to the new regulations. The amendment would have: Eliminated the private right of action provision, which would grant parents the right to sue program operators who violate national standards in federal court: Required background checks for residential program employees: and Created a federal database and national hotline for residential program abuses. **Rejected 17-24: R 17-0; D 0-24; I 0-0.**
- [Rep. T. Price, R-Ga. Earmarks Amendment to the Substitute Amendment](#) — Would have reduced the authorization in the underlying bill by 10 percent and include a prohibition on child abuse funds to be used for congressional earmarks. The amendment also would have prohibited federal funds from being awarded to programs found to be in violation of the terms of the bill. **Rejected 18-25: R 18-0; D 0-25; I 0-0.**

- [Rep. T. Price, R-Ga. Attorneys' Fees Amendment to the Substitute Amendment](#) — Would have limited attorneys' fees in cases brought against residential programs to \$1,000 an hour. **Rejected 17-25: R 17-0; D 0-25; I 0-0.**
- [Rep. Foxx, R-N.C. Federal Lawsuits Amendment to the Substitute Amendment](#) — Would have struck from the bill the right of families to sue for abuse at residential treatment programs in federal court. **Rejected 17-26: R 17-1; D 0-25; I 0-0.**
- [Chairman George Miller, D-Calif. Substitute Amendment](#) — Requires states to implement the bill's basic health and safety licensing standards in publicly operated residential programs as well as private programs. **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a **Roll Call Vote of 27-16: R 2-16; D 25-0; I 0-0** ([Roll Call No. 5](#)).

CRS Reports:

(TBA)

GAO Reports:

[GAO-08-346](#): Residential Facilities: Improved Data and Enhanced Oversight Would Help Safeguard the Well-Being of Youth with Behavioral and Emotional Challenges, May 13, 2008

[GAO-08-713T](#): Residential Programs: Selected Cases of Death, Abuse, and Deceptive Marketing, April 24, 2008

[GAO Audio Clips: Examples of Deceptive Marketing Practices](#)

CBO Report:

[Cost Estimate](#): Ordered Reported by the Committee on Education and Labor

Committee on Education and Labor Hearings:

["Child Abuse and Deceptive Marketing by Residential Programs for Teens" >>](#)

April 24, 2008 — Full Committee on Education and Labor

- Opening Statements: [Chairman Miller](#)
- [Archived Webcast](#)

Witness Testimony:

- [Kay Brown](#), Director, Education, Workforce and Income Security, GAO
- [Greg Kutz](#), Managing Director, Forensic Audits and Special Investigations, GAO
- [Jon Martin-Crawford](#), Former Program Participant, the Family Foundation School
- [Kathryn Whitehead](#), Former Program Participant, Mountain Mission School
- [Christopher Bellonci](#), MD, Medical Director and Senior Clinical Consultant, Walker School

["Cases of Child Neglect and Abuse at Private Residential Treatment Facilities" >>](#)

October 10, 2007 — Full Committee on Education and Labor

- Opening Statements: [Chairman Miller](#)
- [Archived Webcast](#)

Witness Testimony:

- [Greg Kutz](#), Managing Director, Forensic Audits and Special Investigations, GAO
- [Cynthia Harvey](#), Mother of Child Victim
- [Bob Bacon](#), Father of Child Victim
- [Paul Lewis](#), Father of Child Victim
- [Allison Pinto](#), Research Psychologist & Assistant Research Professor, Louis de la Parte Florida Medical Health Institute
- [Jan Moss](#), Executive Director, National Association of Therapeutic Schools and Programs

Organization Statements:

[Committee Site](#) Listing Support for H.R. 5876:

- [Parents of victims »](#)
- [National mental health organizations »](#)
- [Child Welfare League of America »](#)
- [National Alliance on Mental Illness »](#)
- [National Child Abuse Coalition »](#)
- [American Bar Association »](#)
- [American Psychological Association »](#)
- [Bazelon Center for Mental Health Law »](#)
- [Community Alliance for the Ethical Treatment of Youth »](#)
- [Voices for America's Children »](#)
- [American Association of Children's Residential Centers »](#)
- [American Academy of Child and Adolescent Psychiatry »](#)
- [American Academy of Pediatrics »](#)
- [Children's Defense Fund »](#)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[About the Stop Child Abuse in Residential Programs for Teens Act of 2008](#) — Committee on Education and Labor

[Committee Pamphlet](#): Keeping Kids Safe: The "Stop Child Abuse in Residential Programs for Teens Act of 2008"

HR 5876 Fact Sheet — Committee on Education and Labor

Press Releases, News Articles & Related Information:

[House Education Committee Approves Legislation to Stop Child Abuse in Teen Residential Programs](#), May 14, 2008

Other Resources:

[Cosponsors of H.R. 5876](#)

H.R. 6275 - THE ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008 (*Rep. Rangel – Ways and Means*) (*Subject to a Rule*)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, June 24, 2008, at 3:00 p.m. in H-313 the Capitol, [Special Announcement](#), [Meeting Time: 3pm Tuesday 6/24](#), [Text of Bill as Ordered Reported](#), [Ways & Means Committee Report](#)

Committee: [Committee on Ways and Means](#)

Committee Staff Contact: 5-3625

LEGISLATION AT A GLANCE:

The Alternative Minimum Tax Relief Act of 2008

I. 2008 AMT RELIEF

Extension of AMT relief for 2008. The bill would provide more than 25 million families with tax relief in 2008 by extending AMT relief for nonrefundable personal credits and increasing the AMT exemption amount to \$69,950 for joint filers and \$46,200 for individuals. *This proposal is estimated to cost \$61.52 billion over 10 years.*

II. CLOSING TAX LOOPHOLES

Taxation of carried interest as ordinary income. The bill would prevent investment fund managers from paying taxes at capital gains rates on investment management services income received as carried interest in an investment fund. The bill would require such managers to treat carried interest as ordinary income received in exchange for the performance of services to the extent that carried interest does not reflect a reasonable return on invested capital. The bill would continue to tax carried interest at capital gain tax rates to the extent that carried interest reflects a reasonable return on invested capital. This proposal passed the House as part of H.R. 3996 by a vote of 216 to 193. *This proposal is estimated to raise \$30.98 billion over 10 years.*

Denial of section 199 benefits for certain major integrated oil companies (freeze current law section 199 benefits at 6% for oil and natural gas production income of other taxpayers). The bill excludes gross receipts derived from the sale, exchange or other disposition of oil, natural gas, or any primary product thereof from the domestic production deduction for large integrated oil companies. The bill would freeze the domestic production deduction for income of other taxpayers with respect to oil, natural gas or any primary product thereof at 6% (which is current law). This is a scaled-back version of the provision proposing outright repeal of section 199 with respect to all oil, natural gas or any primary product thereof that passed the House as part of H.R. 6 by a vote of 264 to 163 (with 36 House Republicans joining 228 House Democrats in support) and as part of H.R. 2776 by a vote of 221 to 189 (with 9 House Republicans joining 212 House Democrats in support). An identical proposal passed the House as part of H.R. 5351 by a vote of 236 to 182 (with 17 House Republicans joining 219 House Democrats in support). *This proposal is estimated to raise \$13.57 billion over 10 years.*

Information returns for merchant payment card reimbursements. The bill would enact a proposal contained in the President's FY 2009 Budget to require institutions that make payments to merchants in settlement of payment card transactions to file an information return with the Internal Revenue Service. According to the Treasury Department, "Payment cards (both credit cards and debit cards) are an increasingly common form of payment to merchants for property and services rendered. Some merchants fail to report accurately their gross income, including income derived from payment card transactions. Generally, compliance increases significantly for amounts that a third party reports to the IRS." The bill would also require information returns for payments in settlement of certain third party network transactions that operate in a manner similar to payment card transactions. *This proposal is estimated to raise \$9.80 billion over 10 years.*

Limitation on treaty benefit for certain deductible payments. The bill would prevent foreign multinational corporations incorporated in tax haven countries from avoiding tax on income earned in the United States by routing their income through structures in which a United States subsidiary of the foreign multinational corporation makes a deductible payment to a country with which the United States has a tax treaty before ultimately repatriating these earnings in the tax haven country. This is a scaled-back version of a provision approved by the House of Representatives as part of H.R. 2419 by a vote of 231 to 191 (with 19 Republicans joining 212 Democrats in support). This scaled-back version ensures that foreign multinational corporations incorporated in treaty partner countries will not be affected by this provision. *This proposal is estimated to raise \$6.94 billion over 10 years.*

Application of continuous levy to property sold or leased to the federal government by vendors. Under current law, the federal government may attach a continuous levy to payments made by the federal government to "vendors of goods or services sold or leased to the Federal Government" if such vendors owe the government taxes. The proposal would clarify that the federal government may attach a continuous levy to vendors of "property," not just vendors of goods. *This proposal is estimated to raise \$301 million over 10 years.*

House Report 110-728:
[HTML Version](#), [PDF Version](#)

Full Committee on Ways and Means Mark-up:

[Markup of H.R. 6275](#): the "Alternative Minimum Tax Relief Act of 2008", June 18, 2008.

- [National Journal Report](#): Ways and Means Sends AMT Fix to House Floor; Dim Prospects in Senate
- [Summary of H.R. 6275](#); [Joint Tax Description of H.R. 6275](#); [Joint Tax Estimated Revenue Effects of H.R. 6275](#).

Summary of Committee Votes:

- [Rep. P. English, R-Pa. Strike Offsets Amendment](#) — Would have struck all revenue-raising provisions in the bill. **Rejected 16-21; R 16-0; D 0-21; I 0-0.**
- [Rep. K. Brady, R-Texas Gas Rate Deduction Amendment](#) — Would have increased the deductible rate for gas expenses incurred within trade, business, medical care or moving categories by 33.7 percent (to reflect the 33.7 percent increase in gas prices since Jan. 1, 2008). The amendment would have raised the applicable rates for each category as follows: for trade or business, 67.5 cents per mile; for medical care, 25.4 cents per mile; for moving, 25.4 cents per mile; and for charitable organizations, 25.4 cents per mile. The amendment also would have struck the provision in the bill that would limit the domestic manufacturing deduction for U.S. oil and gas companies. **Rejected 17-20; R 16-0; D 1-20; I 0-0.**

- [Rep. K. Brady, R-Texas Real Estate Exemption Amendment](#) — Would have exempted real estate from any changes in the taxation of carried interest. **Rejected 16-21: R 16-0; D 0-21; I 0-0.**
- [Rep. Rangel, D-N.Y. Substitute Amendment](#) — Made two minor technical adjustments to the language in the bill, including provisions that: requires that the reporting requirements outlined in the bill include a copy of the information return that reflects the gross amount of reportable transactions reported to the IRS; and defines comprehensive foreign income tax as the income in a foreign country if the foreign corporation is eligible for the benefits of a comprehensive income tax treaty between that country and the U.S., or if the corporation demonstrates to the satisfaction of the Treasury secretary that the foreign country has a comprehensive income tax. **Adopted by Voice Vote.** [Joint Tax Description of Amendment](#); [Joint Tax Estimated Revenue Effects](#).
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **22-16: R 0-16; D 22-0; I 0-0.**

CRS Report:

[RL34382](#): The Alternative Minimum Tax For Individuals: Legislative Activity in the 110th Congress

GAO Reports:

(TBA)

CBO Report:

(TBA)

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[H.R. 6275 Summary](#) — Committee on Ways and Means

Press Releases, News Articles & Related Information:

[Ways and Means Passes AMT Relief Bill](#), *Bill would prevent AMT from hitting 25 million families without adding to the deficit*, June 18, 2008

Other Resources:

[Cosponsors of H.R. 6275](#)

H.R. 3195 - ADA RESTORATION ACT (Rep. Hoyer - Education and Labor/Judiciary/Transportation and Infrastructure/Energy and Commerce) (Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, June 24, 2008, at 3:00 p.m. in H-313 the Capitol,
[Special Announcement](#), [Meeting Time: 3pm Tuesday 6/24](#), [Text of Bill as Ordered Reported by the Committee on Education & Labor](#)

Committees: [Committee on Education and Labor](#); [Committee on the Judiciary](#);
[Committee on Transportation and Infrastructure](#); [Committee on Energy and Commerce](#)

Committee Staff Contact: E&L 5-3725; Judiciary 5-3951; T&I 5-4472; E&C 5-2927

LEGISLATION AT A GLANCE:

The ADA Amendments Act of 2008

- Specifically [rejects the erroneous Supreme Court decisions that have reduced the protections for people with disabilities](#) under the ADA, restoring original Congressional intent.
- Makes it absolutely clear that the ADA is intended to provide broad coverage to protect anyone who faces discrimination on the basis of disability.
- Clarifies the definition of disability, including what it means to be “substantially limited in a major life activity.”
- Prohibits the consideration of mitigating measures such as medication, prosthetics, and assistive technology, in determining whether an individual has a disability.
- Provides coverage to people who experience discrimination based on a perception of impairment regardless of whether the individual experiences disability.
- Is [supported by a broad coalition](#) of civil rights groups, disability advocates, and employer trade organizations.

Background

- The Americans with Disabilities Act of 1990 was intended to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” The ADA has transformed our nation since its enactment, helping millions of Americans with disabilities succeed in the workplace, and making transportation, housing, buildings, services and other elements of daily life more accessible to individuals with disabilities.
- Just as other civil rights laws prohibit employers from basing decisions on characteristics like race or sex, Congress wanted the ADA to stop employers from making decisions based on disability.
- Unfortunately, since 1999, several U.S. Supreme Court decisions have narrowed the definition of disability so much that people with serious conditions such as epilepsy, muscular dystrophy, cancer, diabetes, and cerebral palsy have been determined to not have impairments that meet the definition of disability under the ADA.

- The result: In 2004, plaintiffs lost 97% of ADA employment discrimination claims, often due to the interpretation of definition of disability. People who are not hired or are fired because an employer mistakenly believes they cannot perform the job – or because the employer does not want “people like that” in the workplace – have been denied protection from employment discrimination due to these court decisions. This was not the intent of the ADA.

House Report 110-:

HTML Version, PDF Version

Full Committee on Judiciary Mark-up:

[Markup of H.R. 3195](#): ADA Restoration Act, June 18, 2008

- [National Journal Report](#): Disabilities Act Reform Approved By House Judiciary
- [Video Webcast](#)

Summary of Committee Votes:

- [Chairman Conyers, D-Mich. Substitute Amendment](#) — Further defines the term "disabled." Specifically, the amendment would define a disability as a physical or mental impairment that "materially restricts," one or more major life activity. The original bill defined a disability more narrowly as an impairment that "substantially limits," life activities. The original bill would define a disability as a physical or mental impairment that "substantially limits," one or more major life activity. The manager's amendment also would extend the bill's provisions to those whose bodily functions -- including those of the immune system, bowel, bladder and brain -- are restricted. The amendment would exempt anyone with disabilities that are minor or expected to last less than six months, and those whose disability could be corrected through contact lenses or eyeglasses. **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **27-0; R 15-0; D 12-0; I 0-0.**

Full Committee on Education and Labor Mark-up:

[Markup of H.R. 3195](#): ADA Restoration Act, June 18, 2008

- [National Journal Report](#): House Labor Votes To Update Americans With Disabilities Act
- Opening Statement: [Chairman Miller](#)

Summary of Committee Votes:

- [Chairman George Miller, D-Calif. Substitute Amendment](#) — Amends the Americans with Disabilities Act to change the definition of a disability. The amendment would: Acknowledge that many people with physical or mental impairments have been subjected to discrimination and strike from the ADA a finding related to describing the population of individuals with disabilities as "a discrete and insular minority." Amend the definition of "disability" and provide rules of construction for applying that definition to people. It would define "disability" to mean, a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having an impairment. Define the "major life activities" with a list of major bodily functions, including brain impairments. Protect those that are "perceived" as being impaired, whether or not their impairment is actually enough to limit major life activities. Provide that impairments need only limit one major life activity in order to be considered a disability under the bill. Prohibit the consideration of medications and behavioral modifications some people use to treat their conditions as a basis for determining that someone is not disabled enough to qualify for protections under the ADA. Prohibit discrimination on the basis of a disability. Clarify that someone is not considered disabled if they have a vision problem that can be corrected by eyeglasses. Clarify that nothing in the bill alters the standards for determining eligibility for benefits under state worker's compensation laws or disability benefit programs. Prohibit reverse discrimination claims by disallowing claims based on the lack of a disability. Establish that entities covered under the ADA are not required to provide reasonable accommodations or modifications to people who meet the definition of disability only as a person "regarded as having an impairment." **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **43-1; R 17-1; D 26-0; I 0-0** ([Roll Call No. 1](#)).

CRS Reports:

[RL33304](#): The Americans with Disabilities Act (ADA): The Definition of Disability

[RS22901](#): The Americans with Disabilities Restoration Act

GAO Reports:

(TBA)

CBO Report:

(TBA)

Full Committee on Education and Labor Hearing:

[Full Committee Hearing](#): "H.R. 3195, the ADA Restoration Act of 2007"

January 29, 2008 — Committee on Education and Labor

- Opening Statement: [Subcommittee Chairman Andrews](#)

Witness Testimony:

- [Hon. Steny H. Hoyer \(D-MD\)](#), Majority Leader, U.S. House of Representatives, Chief Sponsor of H.R. 3195
- [Andrew Imparato](#), President and CEO, American Association of People with Disabilities
- [Carey McClure](#), Plaintiff in ADA Lawsuit v. General Motors
- [Robert L. Burgdorf](#), Professor of Law, University of the District of Columbia
- [David K. Fram, Esq.](#), Director, ADA & EEO Services, National Employment Law Institute

Organization Statements:

[Support for H.R. 3195](#): American Association of People with Disabilities (AAPD); AARP; AARP Foundation; ADA Watch/National Coalition for Disability Rights; American Council of the Blind; American Diabetes Association; American Foundation for the Blind; American Network of Community Options and Resources; American Psychological Association; APSE: The Network on Employment; Association of Assistive Technology Act Programs (ATAP); Association of Programs for Rural Independent Living (APRIL); Association of University Centers on Disabilities (AUCD); Autism Society of America; Bazelon Center for Mental Health Law; Brain Injury Association of America; Care4Dystonia, Inc.; Children and Adults with Attention-Deficit/Hyperactivity Disorder; Council for Learning Disabilities; Council of State Administrators of Vocational Rehabilitation (CSAVR); Division on Developmental Disabilities; Easter Seals; Epilepsy Foundation; Hearing Loss Association of America; HR Policy Association; International Franchise Association; Leadership Conference on Civil Rights; Learning Disabilities of the Council for Exceptional Children; Mental Health America!; NAMI; National Association of Community Health Charities; National Association of Councils on Developmental Disabilities; National Association of the Deaf; NAGC; National Association of Law Students with Disabilities; National Association of Manufacturers; National Association of State Head Injury Administrators; National Center for Environmental Health Strategies, Inc.; National Coalition of Mental Health Consumer Survivor Organizations; National Council for Community Behavioral Healthcare; National Council for Support of Disability Issues; National Council on Independent Living (NCIL); National Disability Rights Network (NDRN); National Down Syndrome Congress; National Down Syndrome Society; National Health Council; National Multiple Sclerosis Society; National Organization on Fetal Alcohol Syndrome (NOFAS); National Rehabilitation Association; National Respite Coalition; National Restaurant Association; National Spinal Cord Injury Association; National Vocational Evaluation and Career Assessment Professionals (VECAP); National Youth Leadership Network; Paralyzed Veterans of America; Self Advocates Becoming Empowered; Society for Human Resource Management; TASH; The Arc of the United States; United Cerebral Palsy; U.S Chamber of Commerce; US Psychiatric Rehabilitation Association; United Spinal Association; United Synagogue of Conservative Judaism.

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[ADA Amendments Act of 2008 Web-Site](#) — Committee on Education and Labor

Press Releases, News Articles & Related Information:

[House Education & Labor Committee Approves Bill to Protect Americans with Disabilities from Discrimination](#), June 18, 2008

[Hoyer Praises Committee Action on ADA Amendments Act](#), Majority Leader Press Release, June 18, 2008

Other Resources:

[Cosponsors of H.R. 3195](#)

H.R.2176 - TO PROVIDE FOR AND APPROVE THE SETTLEMENT OF CERTAIN LAND CLAIMS OF THE BAY MILLS INDIAN COMMUNITY (Rep. Stupak – Natural Resources)
(Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

H.R. 4115 - TO PROVIDE FOR AND APPROVE THE SETTLEMENT OF CERTAIN LAND CLAIMS OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS (Rep. Dingell – Natural Resources)
(Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, June 24, 2008, at 3:00 p.m. in H-313 the Capitol,
[Special Announcement](#), [Meeting Time: 3pm Tuesday 6/24](#), [Amendment Deadline: 11am Tuesday 6/24](#), [Amendment in the Nature of the Substitute](#)

Committee: [Committee on Natural Resources](#); [Committee on the Judiciary](#)

Committee Staff Contact: Nat Resources 6-9725 ; Judiciary 5-3951

LEGISLATION AT A GLANCE:

H.R. 2176 & H.R. 4115

Summary Provided by the Committee on Natural Resources

H.R. 2176 and H.R. 4115 would settle longstanding claims by the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa against land located in the Upper Peninsula of Michigan by providing land elsewhere in the State of Michigan.

Over 150 years ago, land was illegally taken from the Bay Mills and Sault Ste. Marie tribes. These actions eventually led the tribes to file land claims against the property owners in Charlotte Beach, Michigan. These claims have resulted in years of litigation, clouded title for hundreds of private property owners, and the denial of the sovereign rights of two Indian tribes.

The parties have worked to develop settlement agreements that require the tribes to give up their land claims in the Charlotte Beach area in return for replacement lands elsewhere in Michigan. These replacement lands are in communities selected by the State of Michigan. Before the settlement agreements were finalized, communities located within the replacement lands voted by referendum to support the settlement package. It is expected that Indian gaming would occur on these replacement lands.

Former Republican Governor John Engler and current Democratic Governor Jennifer Granholm have been instrumental in reaching the settlement agreements referenced in H.R. 2176 and H.R. 4115. In addition, the legislation is endorsed by United States Senators Carl Levin and Debbie Stabenow, both Indian tribes, all of the communities involved, and their state and local elected officials. Most importantly, they are supported by the very Members of Congress whose districts are directly impacted by the legislation Rep. Bart Stupak, Rep. John Dingell, and Rep. Candice Miller.

H.R. 2176 & H.R. 4115
Summary Provided by the Committee on the Judiciary

H.R. 2176 and H.R. 4115 would use a questionable Indian Tribal land claim to preemptively legalize two new Tribal casinos in Michigan, in defiance of well-established procedures in federal and State law that are designed to limit the expansion of off-reservation casino gaming. The casinos would be located 350 miles away from the Tribes' reservations, wholly outside their ancestral lands. These invalid land claims have already failed in both federal and state court.

The passage of this legislation would create a dangerous precedent under the Indian Gaming Regulatory Act (IGRA), creating a shortcut for opening new casinos that would permit the unlimited expansion of off-reservation gaming. Never before has Congress authorized site-specific off-reservation casinos and allowed two Tribes to go 350 miles from their reservations to open casinos. This legislation would set a blueprint for putting a casino in any corner of the country.

IGRA requires any Tribe asking that off-reservation land be taken into trust for casino gaming to submit an application to the Department of Interior. Interior then carefully weighs a number of factors – including the distance from the Tribe's reservation. The degree of scrutiny increases as the distance from the reservation increases, because the benefits to tribal welfare diminish, while the potential harms to tribal welfare increase. Interior also conducts extensive environmental review of the proposed land to ensure compliance with the National Environmental Policy Act – otherwise, federal taxpayers may be required to pay for any NEPA liabilities that exist on the land.

In disregarding federal and State law and the expressed will of Michigan voters, the legislation raises serious questions regarding procedural fairness, due process, and respect for the role of citizens in our democracy. The legislation is opposed by the U.S. Department of Interior, by every Member of the Judiciary Committee, and by more than fifty Tribes from all across the country, and a bipartisan majority of the Michigan Congressional Delegation.

H.R. 2176 House Report 110-541:

Part 1: [HTML Version](#), [PDF Version](#)

Part 2: [HTML Version](#), [PDF Version](#)

H.R. 4115 House Report 110-542:

Part 1: [HTML Version](#), [PDF Version](#)

Part 2: [HTML Version](#), [PDF Version](#)

Full Committee on Natural Resources Mark-up:

[Full Committee Markup](#), Feb. 13, 2008

Summary of Committee Votes on HR 2176:

- Chairman Rahall, D-W.Va. National Environmental Policy Act Compliance Amendment — Ensures that HR 2176 and HR 4115 are carried out in compliance with the National Environmental Policy Act (PL 91-190). The amendments also add to the bills dates on which the Bay Mills Indian Community and the Sault Ste. Marie Chippewa Tribe signed land settlement agreements with Michigan Governor Jennifer Granholm. The committee approved one amendment for each bill. **Adopted by Voice Vote.**

- Rep. Heller, R-Nev. Strike Gaming Language Amendment — Would have struck the section of the bill that contains language about using the new land for gaming, in accordance with the Indian Gaming Regulatory Act (PL 100-497). **Rejected 3-16: R 2-3; D 1-13; I 0-0.**
- Rep. Heller, R-Nev. Best Interest Determination Amendment — Would have instructed the Interior secretary to consult with state, local and tribal officials when any community that wants to conduct gaming on alternate lands, in order to determine whether the land acquisition would be in the best interest of the community. **Rejected 5-19: R 3-4; D 2-15; I 0-0.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **21-4: R 4-2; D 17-2; I 0-0.**

Summary of Committee Votes on HR 4115:

- Chairman Rahall, D-W.Va. National Environmental Policy Act Compliance Amendment — Ensures that HR 2176 and HR 4115 are carried out in compliance with the National Environmental Policy Act (PL 91-190). The amendments also add to the bills dates on which the the Bay Mills Indian Community and the Sault Ste. Marie Chippewa Tribe signed land settlement agreements with Michigan Governor Jennifer Granholm. The committee approved one amendment for each bill. **Adopted by Voice Vote.**
- Rep. Heller, R-Nev. Strike Gaming Language Amendment — Would have struck the section of the bill that contains language about using the new land for gaming, in accordance with the Indian Gaming Regulatory Act (PL 100-497). **Rejected 5-21: R 3-4; D 2-17; I 0-0.**
- Rep. Heller, R-Nev. Best Interest Determination Amendment — Would have instructed the Interior secretary to consult with state, local and tribal officials when any community that wants to conduct gaming on alternate lands, in order to determine whether the land acquisition would be in the best interest of the community. **Rejected 6-20: R 4-3; D 2-17; I 0-0.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **22-5: R 5-3; D 17-2; I 0-0.**

Full Committee on the Judiciary Mark-up:

[Markup of H.R. 2176, H.R. 4115, H.R. 5570, H.R. 2760, H.R. 5060, H.R. 5569, H.R. 5571, and H.R. 1777](#), April 2, 2008

- [Video Webcast](#)

Summary of Committee Vote on HR 2176:

- **Vote to Report:** Adversely Reported to the Full House by a Roll Call Vote of **29-0: R 15-0; D 14-0; I 0-0.**

Summary of Committee Vote on HR 4115:

- **Vote to Report:** Adversely Reported to the Full House by a Roll Call Vote of **27-0: R 15-0; D 12-0; I 0-0.**

CRS Reports:

[RL34325](#): Indian Gaming Regulatory Act: Gaming on Newly Acquired Lands

GAO Reports:

(TBA)

CBO Report on HR 2176:

[Cost Estimate](#): Ordered Reported by the Committee on the Judiciary

[Cost Estimate](#): Ordered Reported by the Committee on Natural Resources

CBO Reports on HR 4115:

[Cost Estimate](#): Ordered Reported by the Committee on the Judiciary

[Cost Estimate](#): Ordered Reported by the Committee on Natural Resources

Full Committee on Natural Resources Hearing:

[Full Committee Legislative Hearing](#): H.R. 2176 and H.R. 4115

February 6, 2008 — Committee on Natural Resources

- Opening Statement: [Chairman Nick J. Rahall](#)

Witness Testimony:

- [The Honorable John D. Dingell](#) (D-MI)
- [The Honorable Bart Stupak](#) (D-MI)
- [The Honorable Carolyn C. Kilpatrick](#) (D-MI)
- [The Honorable Mike Rogers](#) (R-MI)
- [The Honorable Candice S. Miller](#) (R-MI)
- [The Honorable Shelley Berkley](#) (D-NV)
- [The Honorable Bennie G. Thompson](#) (D-MS)
- [The Honorable John Conyers, Jr.](#) (D-MI)

Panel 1:

- [The Honorable Carl Artman](#), Assistant Secretary, Bureau of Indian Affairs, United States Department of the Interior, Washington, D.C.

Panel 2:

- [The Honorable Jeff Parker](#), President of Executive Council, Bay Mills Indian Community, Brimley, MI
- [The Honorable Aaron Payment](#), Chairman, Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, MI
- [The Honorable Alan R. Lambert](#), Mayor, City of Romulus
- [Mr. Karl Tomion](#), City Manager, City of Port Huron

Panel 3:

- [The Honorable Kwame Kilpatrick](#), Mayor, City of Detroit
- [The Honorable Fred Cantu](#), Chief, Saginaw Chippewa Indian Tribe, Mt. Pleasant, MI
- [Mr. Joe Conroy](#), Director of Governmental Operations, City of Flint, Flint, MI

Full Committee on the Judiciary Hearing:

[Full Committee Legislative Hearing](#): H.R. 2176 and H.R. 4115

March 14, 2008 — Committee on the Judiciary

- [Video Webcast](#)

Panel I:

- [The Honorable Carolyn Cheeks Kilpatrick](#), Michigan, 13th District
- The Honorable Shelley Berkley, Nevada, 1st District

Panel II:

- [Chief Fred Cantu](#), Saginaw Chippewa Tribe of Michigan
- [Carl Artman](#), Assistant Secretary for Indian Affairs, Bureau of Indian Affairs, U.S. Department of the Interior
- [Alicia Walker](#), Chairman, Sault Ste. Marie Chippewa Tribe
- [Kathryn Tierney](#), Tribal Attorney, Bay Mills Indian Community
- Cynthia J. Abrams, Board Member, National Coalition Against Legalized Gambling
- [Guy Clark](#), Chairman, The National Coalition Against Gambling Expansion

Organization Statements:**Letters in Support:**

- Letter from Labor Organizations: United Auto Workers; AFL-CIO Building and Construction Trades Department; Michigan Building and Construction Trades Council; Sheet Metal Workers International Association; International Union of Operating Engineers; United Association of Plumbers and Pipefitters; Bricklayers and Allied Craftworkers; and International Association of Machinists

Letters in Opposition:

- Great Plains Indian Gaming Association
- National Association for the Advancement of Colored People (NAACP)
- National Indian Gaming Association (NIGA)
- New Mexico Indian Gaming Association
- Pechanga Letter
- San Manuel Band of Mission Indians
- Tribal Alliance of Sovereign Indian Nations (TASIN)
- Tribes and Tribal Organizations Opposed

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[H.R. 2176 & H.R. 4115 Summary](#) — Committee on Natural Resources

Press Releases, News Articles & Related Information:

[Conyers, Rogers Lead Bipartisan Effort to Reject Unprecedented Expansion of Off-Reservation Indian Gambling](#), Judiciary Committee, June 19, 2008

Other Resources:

[Cosponsors of H.R. 2176](#)

[Cosponsors of H.R. 4115](#)

H.R.6052 – THE SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

(Rep. Oberstar – Transportation and Infrastructure)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: Wednesday, June 25, 2008, at 3:30pm in H-313 the Capitol, [Special Announcement](#), [Meeting Time: 3:30pm Wednesday 6/25](#), [Amendment Deadline: 5pm Tuesday 6/24](#)

Committee: [Committee on Transportation and Infrastructure](#)

Committee Staff Contact: 5-4472

LEGISLATION AT A GLANCE:

H.R. 6052, THE “SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008”

To increase public transportation use across the United States, H.R. 6052, the “Saving Energy Through Public Transportation Act of 2008”:

- **Authorizes \$1.7 Billion of Capital and Operating Funds for Transit Agencies to Reduce Fares and Expand Transit Services.** This section authorizes \$850 million (General Fund) for each of fiscal years 2008 and 2009 to allow public transit agencies to reduce transit fares and expand transit services. These funds will allow transit agencies to provide incentives for commuters to choose transit options, thereby reducing our nation’s transportation-related energy consumption and reliance on foreign oil, as well as decreasing its greenhouse gas emissions. These funds will be distributed under current law urban and rural transit formulas (49 U.S.C. 5307 and 49 U.S.C. 5311, respectively). The Federal share for these grants is 100 percent and funds will only be available for a two-year period.
- **Increases the Federal Share for Clean Fuel and Alternative Fuel Transit Bus, Ferry, or Locomotive-related Equipment and Facilities from 90 percent to 100 percent.** Under current law, the Federal share of the portion of transit buses, ferries, or locomotives that is for clean fuel or alternative fuel-related equipment or facilities for compliance with the Clean Air Act is 90 percent. Under the Federal Transit Administration’s interpretation of current law, the total Federal share for alternative fuel buses only increases from 80 percent to 83 percent. The bill increases the Federal share for the alternative fuel vehicle-related equipment from 90 percent to 100 percent of the net project cost for fiscal years 2008 and 2009. As a result, the total Federal share for such buses will be more than 90 percent.
- **Extends Transit Benefits to All Federal Employees.** Under current law, all Federal agencies within the National Capital Region are required to establish a transit pass benefits program and offer transit passes to Federal employees. The bill establishes a nationwide Federal transit pass benefits program and requires all Federal agencies in the United States to offer transit passes to Federal employees. The bill also requires that the Department of Transportation (“DOT”) to establish specific guidance for implementing the nationwide transit pass benefits program. The guidance will ensure that Federal agencies have the necessary administrative procedures to ensure that Federal employees properly use the program.
 - The current law requirement originated with Executive Order 13150, signed by President Clinton on April 21, 2000. The Executive Order required that all Federal agencies within the National Capital Region offer transit passes to Federal employees. It also required the Department of Transportation (“DOT”), the Environmental Protection Agency, and the Department of

- Energy to implement a nationwide three-year pilot transit pass benefit program for all qualified Federal employees of those agencies.
 - The Department of Transportation has determined that both the National Capital Region program and the nationwide pilot program are a success, and recommends that the transit pass benefits program be extended to all Federal employees nationwide.
- **Establishes a Vanpool Pilot Program.** The bill establishes a two-year pilot program to allow the amount expended by private providers of public transportation by vanpool for the acquisition of vans to be used as the non-Federal share for matching Federal transit funds in five communities. Under current law, only local public funds may be used as local match, and this pilot program allows private funds to be used in limited circumstances. The provision requires the private providers of vanpool services to use revenues they receive in providing public transportation, in excess of its operating costs, for the purpose of acquiring vans, excluding any amounts the providers may have received in Federal, State, or local government assistance for such acquisition. The Department of Transportation will implement and oversee the vanpool pilot projects, and will report back to Congress on the costs, benefits, and efficiencies of the vanpool demonstration projects.
- **Increases the Federal Share for Additional Parking Facilities at End-Of-Line Fixed Guideway Stations.** The bill increases the Federal share for additional parking facilities at end-of-line fixed guideway stations to increase the total number of transit commuters who have access to those stations. The bill increases the Federal share from 80 percent to 100 percent for fiscal years 2008 and 2009.

House Report 110-727:

[HTML Version](#), [PDF Version](#)

Full Committee on Transportation and Infrastructure Mark-up:

[Full Committee Markup of H.R. 6052](#): the "Saving Energy Through Public Transportation Act of 2008", May 15, 2008

- [Video](#)

Summary of Committee Votes:

- Chairman Olver Manager's Amendment and Earmarks — Makes technical changes and adds member-funding recommendations (earmarks) to the committee report. It also provided an additional \$600,000 for the Essential Air Service program. **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House by **Voice Vote**.

CRS Reports:

GAO Reports:

(TBA)

CBO Report:

[Cost Estimate](#): Ordered Reported by the Committee on Transportation and Infrastructure

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[HR 6052 Fact Sheet](#)

[H.R. 6052, Report Summary](#)

[Funding Table by State](#)

[Funding Table by Urban Area](#)

[H.R. 6052, as reported](#)

Press Releases, News Articles & Related Information:

[T&I Passes Transit, Boating, Climate Change and Water Resources Legislation,](#)

H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008",

May 15, 2008

[Chairman Oberstar adds Voice to "Dump the Pump" Movement to Reduce Fossil Fuel](#)

[Use](#), *H.R. 6052 urges workers to take public transit instead of driving their cars,*

June 19, 2008

[Committee Approves Slate of Transportation & Infrastructure Bills, Transportation and](#)

[Infrastructure](#), May 15, 2008

Other Resources:

[Cosponsors of H.R.6052](#)